

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

ENERGY WEST, INCORPORATED,

Plaintiff,

v.

UNITED STATES POWER FUND, L.P.,

Defendant.

Civ. No. 1:09-cv-00591
Judge Christopher A. Boyko

DECLARATION OF JOHN WINSHIP READ

I, John Winship Read, hereby declare and state pursuant to 28 U.S.C. § 1746:

1. I am an attorney with Vorys, Sater, Seymour & Pease LLP, counsel to defendant United States Power Fund, L.P. (“USPF”) in the above-captioned action. As such, I am fully familiar with the facts set forth in this declaration and make each statement contained in this declaration based upon my own personal knowledge or upon a review of the documents in my possession. I make this declaration in support of USPF’s motion to dismiss the complaint.

2. Attached hereto as *Exhibit A* is a true and correct copy (without exhibit) of the Complaint filed by plaintiff Energy West, Incorporated (“Energy West”), dated March 18, 2009. [Docket No. 1.]

3. Attached hereto as *Exhibit B* is a true and correct copy of this Court’s Opinion and Order, dated March 29, 2010. [Docket No. 20.]

4. Attached hereto as *Exhibit C* is a true and correct copy of the Answer filed by USPF, dated July 12, 2010. [Docket No. 24.]

5. Attached hereto as *Exhibit D* is a true and correct copy (with exhibits) of the term sheet executed by USPF, Gas Natural, Inc., and Loring BioEnergy, LLC, dated July 5, 2011. Energy West is a subsidiary of Gas Natural, Inc.

6. Attached hereto as *Exhibit E* is a true and correct copy of the proposed supplemental complaint filed by Energy West on October 26, 2011. [Docket No. 43-1.]

7. I declare under penalty of perjury that the foregoing is true and correct.

Dated: Cleveland, Ohio
November 9, 2011

s/ John Winship Read
John Winship Read (0030827)

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was sent via the Court's electronic filing system to all parties of record with the Court on November 9, 2011. Notice of this filing will be served to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/ John Winship Read
John Winship Read (0030827)